



## Senate

General Assembly

**File No. 465**

January Session, 2011

Substitute Senate Bill No. 1199

*Senate, April 7, 2011*

The Committee on Human Services reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' DIFFERENTIAL RESPONSE AND POVERTY EXEMPTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101g of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Upon receiving a report of child abuse or neglect, as provided in  
4 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which  
5 the alleged perpetrator is (1) a person responsible for such child's  
6 health, welfare or care, (2) a person given access to such child by such  
7 responsible person, or (3) a person entrusted with the care of a child,  
8 the Commissioner of Children and Families, or the commissioner's  
9 designee, shall cause the report to be classified and evaluated  
10 immediately. If the report contains sufficient information to warrant an  
11 investigation, the commissioner shall make the commissioner's best  
12 efforts to commence an investigation of a report concerning an  
13 imminent risk of physical harm to a child or other emergency within  
14 two hours of receipt of the report and shall commence an investigation

15 of all other reports within seventy-two hours of receipt of the report. A  
16 report classified as lower risk may be referred for family assessment  
17 and services pursuant to subsection (g) of this section. Any such report  
18 may thereafter be referred for standard child protective services if  
19 safety concerns for the child become evident. A report referred for  
20 standard child protective services may be referred for family  
21 assessment and services at any time if the department determines there  
22 is a lower risk to the child. The department shall complete any such  
23 investigation not later than forty-five calendar days after the date of  
24 receipt of the report. If the report is a report of child abuse or neglect in  
25 which the alleged perpetrator is not a person specified in subdivision  
26 (1), (2) or (3) of this subsection, the Commissioner of Children and  
27 Families shall refer the report to the appropriate local law enforcement  
28 authority for the town in which the child resides or in which the  
29 alleged abuse or neglect occurred.

30 (b) The investigation shall include a home visit at which the child  
31 and any siblings are observed, if appropriate, a determination of the  
32 nature, extent and cause or causes of the reported abuse or neglect, a  
33 determination of the person or persons suspected to be responsible for  
34 such abuse or neglect, the name, age and condition of other children  
35 residing in the same household and an evaluation of the parents and  
36 the home. The report of such investigation shall be in writing. The  
37 investigation shall also include, but not be limited to, a review of  
38 criminal conviction information concerning the person or persons  
39 alleged to be responsible for such abuse or neglect and previous  
40 allegations of abuse or neglect relating to the child or other children  
41 residing in the household or relating to family violence. After an  
42 investigation into a report of abuse or neglect has been completed, the  
43 commissioner shall determine, based upon a standard of reasonable  
44 cause, whether a child has been abused or neglected, as defined in  
45 section 46b-120, as amended by this act. If the commissioner  
46 determines that abuse or neglect has occurred, the commissioner shall  
47 also determine whether: (1) There is an identifiable person responsible  
48 for such abuse or neglect; and (2) such identifiable person poses a risk  
49 to the health, safety or well-being of children and should be

50 recommended by the commissioner for placement on the child abuse  
51 and neglect registry established pursuant to section 17a-101k. If the  
52 commissioner has made the determinations in subdivisions (1) and (2)  
53 of this subsection, the commissioner shall issue notice of a  
54 recommended finding to the person suspected to be responsible for  
55 such abuse or neglect in accordance with section 17a-101k.

56 (c) Except as provided in subsection (d) of this section, no entry of  
57 the recommended finding shall be made on the child abuse or neglect  
58 registry and no information concerning the finding shall be disclosed  
59 by the commissioner pursuant to a check of the child abuse or neglect  
60 registry or request for information by a public or private entity for  
61 employment, licensure, or reimbursement for child care purposes  
62 pursuant to programs administered by the Department of Social  
63 Services or pursuant to any other general statute that requires a check  
64 of the child abuse or neglect registry until the exhaustion or waiver of  
65 all administrative appeals available to the person suspected to be  
66 responsible for the abuse or neglect, as provided in section 17a-101k.

67 (d) If the child abuse or neglect resulted in or involves (1) the death  
68 of a child; (2) the risk of serious physical injury or emotional harm of a  
69 child; (3) the serious physical harm of a child; (4) the arrest of a person  
70 due to abuse or neglect of a child; (5) a petition filed by the  
71 commissioner pursuant to section 17a-112 or 46b-129; or (6) sexual  
72 abuse of a child, entry of the recommended finding may be made on  
73 the child abuse or neglect registry and information concerning the  
74 finding may be disclosed by the commissioner pursuant to a check of  
75 the child abuse or neglect registry or request for information by a  
76 public or private entity for employment, licensure, or reimbursement  
77 for child care purposes pursuant to programs administered by the  
78 Department of Social Services or pursuant to any other general statute  
79 that requires a check of the child abuse or neglect registry, prior to the  
80 exhaustion or waiver of all administrative appeals available to the  
81 person suspected to be responsible for the abuse or neglect as provided  
82 in section 17a-101k.

83 (e) If the Commissioner of Children and Families, or the  
84 commissioner's designee, has probable cause to believe that the child  
85 or any other child in the household is in imminent risk of physical  
86 harm from the child's surroundings and that immediate removal from  
87 such surroundings is necessary to ensure the child's safety, the  
88 commissioner, or the commissioner's designee, shall authorize any  
89 employee of the department or any law enforcement officer to remove  
90 the child and any other child similarly situated from such  
91 surroundings without the consent of the child's parent or guardian.  
92 The commissioner shall record in writing the reasons for such removal  
93 and include such record with the report of the investigation conducted  
94 under subsection (b) of this section.

95 (f) The removal of a child pursuant to subsection (e) of this section  
96 shall not exceed ninety-six hours. During the period of such removal,  
97 the commissioner, or the commissioner's designee, shall provide the  
98 child with all necessary care, including medical care, which may  
99 include an examination by a physician or mental health professional  
100 with or without the consent of the child's parents, guardian or other  
101 person responsible for the child's care, provided reasonable attempts  
102 have been made to obtain consent of the child's parents or guardian or  
103 other person responsible for the care of such child. During the course  
104 of a medical examination, a physician may perform diagnostic tests  
105 and procedures necessary for the detection of child abuse or neglect. If  
106 the child is not returned home within such ninety-six-hour period,  
107 with or without protective services, the department shall proceed in  
108 accordance with section 46b-129.

109 (g) (1) Notwithstanding the provisions of subsections (a) to (f),  
110 inclusive, of this section, the commissioner may establish a program of  
111 differential response to reports of child abuse and neglect whereby the  
112 report may be referred to appropriate community providers for family  
113 assessment and services without an investigation or at any time during  
114 an investigation, provided there has been an initial safety assessment  
115 of the circumstances of a family and child and criminal background  
116 checks have been performed on all adults involved in the report.

117       (2) The commissioner may adopt regulations in accordance with the  
118 provisions of chapter 54 to establish a method for the department to  
119 monitor the progress of the child and family referred to a community  
120 provider pursuant to subdivision (1) of this subsection and to set  
121 standards for reopening an investigation pursuant to this section.

122       (3) Consistent with the provisions of section 17a-28, the department  
123 shall disclose all relevant information in its possession concerning the  
124 child and family, including prior child protection activity, to each  
125 provider to whom a report has been referred for use by the provider in  
126 the assessment, diagnosis and treatment of unique needs of the family  
127 and the prevention of future reports. Each provider who has received a  
128 report of child abuse or neglect referred pursuant to this subsection  
129 shall disclose to the department, consistent with the provisions of  
130 section 17a-28, all relevant information gathered during assessment,  
131 diagnosis and treatment of the child and family. The department may  
132 use such information solely to monitor and ensure the continued safety  
133 and well-being of the child or children.

134       Sec. 2. Section 46b-120 of the general statutes is repealed and the  
135 following is substituted in lieu thereof (*Effective July 1, 2011*):

136       The terms used in this chapter shall, in its interpretation and in the  
137 interpretation of other statutes, be defined as follows:

138       (1) "Child" means any person under eighteen years of age who has  
139 not been legally emancipated, except that (A) for purposes of  
140 delinquency matters and proceedings, "child" means any person (i)  
141 under seventeen years of age who has not been legally emancipated, or  
142 (ii) seventeen years of age or older who, prior to attaining seventeen  
143 years of age, has committed a delinquent act or, subsequent to  
144 attaining seventeen years of age, (I) violates any order of the Superior  
145 Court or any condition of probation ordered by the Superior Court  
146 with respect to a delinquency proceeding, or (II) wilfully fails to  
147 appear in response to a summons under section 46b-133 or at any other  
148 court hearing in a delinquency proceeding of which the child had  
149 notice, and (B) for purposes of family with service needs matters and

150 proceedings, child means a person under seventeen years of age;

151 (2) (A) "Youth" means any person sixteen or seventeen years of age  
152 who has not been legally emancipated, and (B) "youth in crisis" means  
153 any person seventeen years of age who has not been legally  
154 emancipated and who, within the last two years, (i) has without just  
155 cause run away from the parental home or other properly authorized  
156 and lawful place of abode, (ii) is beyond the control of the youth's  
157 parents, guardian or other custodian, or (iii) has four unexcused  
158 absences from school in any one month or ten unexcused absences in  
159 any school year;

160 (3) "Abused" means that a child or youth (A) has been inflicted with  
161 physical injury or injuries other than by accidental means, (B) has  
162 injuries that are at variance with the history given of them, or (C) is in  
163 a condition that is the result of maltreatment, including, but not  
164 limited to, malnutrition, sexual molestation or exploitation,  
165 deprivation of necessities, emotional maltreatment or cruel  
166 punishment;

167 (4) A child may be found "mentally deficient" who, by reason of a  
168 deficiency of intelligence that has existed from birth or from early age,  
169 requires, or will require, for such child's protection or for the  
170 protection of others, special care, supervision and control;

171 (5) (A) A child may be convicted as "delinquent" who has, while  
172 under sixteen years of age, (i) violated any federal or state law, except  
173 section 53a-172 or 53a-173, or violated a municipal or local ordinance,  
174 except an ordinance regulating behavior of a child in a family with  
175 service needs, (ii) wilfully failed to appear in response to a summons  
176 under section 46b-133 or at any other court hearing in a delinquency  
177 proceeding of which the child had notice, (iii) violated any order of the  
178 Superior Court in a delinquency proceeding, except as provided in  
179 section 46b-148, or (iv) violated conditions of probation in a  
180 delinquency proceeding as ordered by the court;

181 (B) A child may be convicted as "delinquent" who has (i) while

182 sixteen years of age, violated any federal or state law, other than (I) an  
183 infraction, (II) a violation, (III) a motor vehicle offense or violation  
184 under title 14, (IV) a violation of a municipal or local ordinance, or (V)  
185 a violation of section 51-164r, 53a-172 or 53a-173, (ii) while sixteen  
186 years of age or older wilfully failed to appear in response to a  
187 summons under section 46b-133 or at any other court hearing in a  
188 delinquency proceeding of which the child had notice, (iii) while  
189 sixteen years of age or older, violated any order of the Superior Court  
190 in a delinquency proceeding, except as provided in section 46b-148, or  
191 (iv) while sixteen years of age or older, violated conditions of  
192 probation in a delinquency proceeding as ordered by the court;

193 [(6) A child or youth may be found "dependent" whose home is a  
194 suitable one for the child or youth, except for the financial inability of  
195 the child's or youth's parents, parent or guardian, or other person  
196 maintaining such home, to provide the specialized care the condition  
197 of the child or youth requires;]

198 [(7)] (6) "Family with service needs" means a family that includes a  
199 child under seventeen years of age who (A) has without just cause run  
200 away from the parental home or other properly authorized and lawful  
201 place of abode, (B) is beyond the control of the child's or youth's  
202 parent, parents, guardian or other custodian, (C) has engaged in  
203 indecent or immoral conduct, (D) is a truant or habitual truant or who,  
204 while in school, has been continuously and overtly defiant of school  
205 rules and regulations, or (E) is thirteen years of age or older and has  
206 engaged in sexual intercourse with another person and such other  
207 person is thirteen years of age or older and not more than two years  
208 older or younger than such child or youth;

209 [(8)] (7) A child or youth may be found "neglected" who, for reasons  
210 other than being impoverished, (A) has been abandoned, (B) is being  
211 denied proper care and attention, physically, educationally,  
212 emotionally or morally, or (C) is being permitted to live under  
213 conditions, circumstances or associations injurious to the well-being of  
214 the child or youth; [, or (D) has been abused;]

215 [(9)] (8) A child or youth may be found "uncared for" who is  
216 homeless or whose home cannot provide the specialized care that the  
217 physical, emotional or mental condition of the child or youth requires.  
218 For the purposes of this section, the treatment of any child or youth by  
219 an accredited Christian Science practitioner, in lieu of treatment by a  
220 licensed practitioner of the healing arts, shall not of itself constitute  
221 neglect or maltreatment;

222 [(10)] (9) "Delinquent act" means (A) the violation by a child under  
223 the age of sixteen of any federal or state law, except the violation of  
224 section 53a-172 or 53a-173, or the violation of a municipal or local  
225 ordinance, except an ordinance regulating behavior of a child in a  
226 family with service needs, (B) the violation by a child sixteen years of  
227 age of any federal or state law, other than (i) an infraction, (ii) a  
228 violation, (iii) a motor vehicle offense or violation under title 14, (iv)  
229 the violation of a municipal or local ordinance, or (v) the violation of  
230 section 51-164r, 53a-172 or 53a-173, (C) the wilful failure of a child,  
231 including a child who has attained the age of seventeen or older, to  
232 appear in response to a summons under section 46b-133 or at any other  
233 court hearing in a delinquency proceeding of which the child has  
234 notice, (D) the violation of any order of the Superior Court in a  
235 delinquency proceeding by a child, including a child who has attained  
236 the age of seventeen or older, except as provided in section 46b-148, or  
237 (E) the violation of conditions of probation in a delinquency  
238 proceeding by a child, including a child who has attained the age of  
239 seventeen or older, as ordered by the court;

240 [(11)] (10) "Serious juvenile offense" means (A) the violation of,  
241 including attempt or conspiracy to violate, section 21a-277, 21a-278,  
242 29-33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section  
243 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to  
244 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,  
245 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101,  
246 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of  
247 subsection (a) of section 53a-122, subdivision (3) of subsection (a) of  
248 section 53a-123, section 53a-134, 53a-135, 53a-136a or 53a-167c,

249 subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212,  
250 53a-216 or 53a-217b, or (B) running away, without just cause, from any  
251 secure placement other than home while referred as a delinquent child  
252 to the Court Support Services Division or committed as a delinquent  
253 child to the Commissioner of Children and Families for a serious  
254 juvenile offense;

255 [(12)] (11) "Serious juvenile offender" means any child convicted as  
256 delinquent for the commission of a serious juvenile offense;

257 [(13)] (12) "Serious juvenile repeat offender" means any child  
258 charged with the commission of any felony if such child has  
259 previously been convicted as delinquent or otherwise convicted at any  
260 age for two violations of any provision of title 21a, 29, 53 or 53a that is  
261 designated as a felony;

262 [(14)] (13) "Alcohol-dependent" means a psychoactive substance  
263 dependence on alcohol as that condition is defined in the most recent  
264 edition of the American Psychiatric Association's "Diagnostic and  
265 Statistical Manual of Mental Disorders"; and

266 [(15)] (14) "Drug-dependent" means a psychoactive substance  
267 dependence on drugs as that condition is defined in the most recent  
268 edition of the American Psychiatric Association's "Diagnostic and  
269 Statistical Manual of Mental Disorders". No child shall be classified as  
270 drug-dependent who is dependent (A) upon a morphine-type  
271 substance as an incident to current medical treatment of a  
272 demonstrable physical disorder other than drug dependence, or (B)  
273 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or  
274 other stimulant and depressant substances as an incident to current  
275 medical treatment of a demonstrable physical or psychological  
276 disorder, or both, other than drug dependence.

277 Sec. 3. Section 46b-120 of the general statutes, as amended by section  
278 82 of public act 09-7 of the September special session, is repealed and  
279 the following is substituted in lieu thereof (*Effective July 1, 2012*):

280 The terms used in this chapter shall, in its interpretation and in the  
281 interpretation of other statutes, be defined as follows:

282 (1) "Child" means any person under sixteen years of age, except that  
283 (A) for purposes of delinquency matters and proceedings, "child"  
284 means any person (i) under eighteen years of age who has not been  
285 legally emancipated, or (ii) eighteen years of age or older who, prior to  
286 attaining eighteen years of age, has committed a delinquent act and,  
287 subsequent to attaining eighteen years of age, (I) violates any order of  
288 the Superior Court or any condition of probation ordered by the  
289 Superior Court with respect to such delinquency proceeding, or (II)  
290 wilfully fails to appear in response to a summons under section 46b-  
291 133 with respect to such delinquency proceeding, and (B) for purposes  
292 of family with service needs matters and proceedings, child means a  
293 person under eighteen years of age;

294 (2) "Youth" means any person sixteen or seventeen years of age who  
295 has not been legally emancipated;

296 (3) "Abused" means that a child or youth (A) has been inflicted with  
297 physical injury or injuries other than by accidental means, (B) has  
298 injuries that are at variance with the history given of them, or (C) is in  
299 a condition that is the result of maltreatment, including, but not  
300 limited to, malnutrition, sexual molestation or exploitation,  
301 deprivation of necessities, emotional maltreatment or cruel  
302 punishment;

303 (4) A child may be found "mentally deficient" who, by reason of a  
304 deficiency of intelligence that has existed from birth or from early age,  
305 requires, or will require, for such child's protection or for the  
306 protection of others, special care, supervision and control;

307 (5) (A) A child may be convicted as "delinquent" who has (i) while  
308 under sixteen years of age, violated any federal or state law or  
309 municipal or local ordinance, except an ordinance regulating behavior  
310 of a child in a family with service needs, (ii) wilfully failed to appear in  
311 response to a summons under section 46b-133 or at any other court

312 hearing of which the child had notice, (iii) violated any order of the  
313 Superior Court, except as provided in section 46b-148, or (iv) violated  
314 conditions of probation as ordered by the court;

315 (B) A child may be convicted as "delinquent" who has (i) while  
316 sixteen or seventeen years of age, violated any federal or state law,  
317 other than (I) an infraction, (II) a violation, (III) a motor vehicle offense  
318 or violation as defined in chapter 248, or (IV) a violation of a municipal  
319 or local ordinance, (ii) wilfully failed to appear in response to a  
320 summons under section 46b-133 or at any other court hearing of which  
321 the child had notice, (iii) violated any order of the Superior Court,  
322 except as provided in section 46b-148, or (iv) violated conditions of  
323 probation as ordered by the court;

324 [(6) A child or youth may be found "dependent" whose home is a  
325 suitable one for the child or youth, except for the financial inability of  
326 the child's or youth's parents, parent or guardian, or other person  
327 maintaining such home, to provide the specialized care the condition  
328 of the child or youth requires;]

329 [(7)] (6) "Family with service needs" means a family that includes a  
330 child or a youth who (A) has without just cause run away from the  
331 parental home or other properly authorized and lawful place of abode,  
332 (B) is beyond the control of the child's or youth's parent, parents,  
333 guardian or other custodian, (C) has engaged in indecent or immoral  
334 conduct, (D) is a truant or habitual truant or who, while in school, has  
335 been continuously and overtly defiant of school rules and regulations,  
336 or (E) is thirteen years of age or older and has engaged in sexual  
337 intercourse with another person and such other person is thirteen  
338 years of age or older and not more than two years older or younger  
339 than such child or youth;

340 [(8)] (7) A child or youth may be found "neglected" who, for reasons  
341 other than being impoverished, (A) has been abandoned, (B) is being  
342 denied proper care and attention, physically, educationally,  
343 emotionally or morally, or (C) is being permitted to live under  
344 conditions, circumstances or associations injurious to the well-being of

345 the child or youth; [, or (D) has been abused;]

346 [(9)] (8) A child or youth may be found "uncared for" who is  
347 homeless or whose home cannot provide the specialized care that the  
348 physical, emotional or mental condition of the child or youth requires.  
349 For the purposes of this section, the treatment of any child or youth by  
350 an accredited Christian Science practitioner, in lieu of treatment by a  
351 licensed practitioner of the healing arts, shall not of itself constitute  
352 neglect or maltreatment;

353 [(10)] (9) "Delinquent act" means (A) the violation by a child under  
354 the age of sixteen of any federal or state law or municipal or local  
355 ordinance, except an ordinance regulating behavior of a child in a  
356 family with service needs, (B) the violation by a child sixteen or  
357 seventeen years of age of any federal or state law, other than (i) an  
358 infraction, (ii) a violation, (iii) a motor vehicle offense or violation  
359 under chapter 248, or (iv) a violation of a municipal or local ordinance,  
360 (C) wilful failure of a child to appear in response to a summons under  
361 section 46b-133 or at any other court hearing of which the child has  
362 notice, (D) the violation of any order of the Superior Court by a child,  
363 except as provided in section 46b-148, or (E) the violation of conditions  
364 of probation by a child as ordered by the court;

365 [(11)] (10) "Serious juvenile offense" means (A) the violation of,  
366 including attempt or conspiracy to violate, (i) section 21a-277, 21a-278,  
367 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392,  
368 inclusive, 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c, inclusive,  
369 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive,  
370 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,  
371 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of  
372 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,  
373 53a-166 or 53a-167c, subsection (a) of section 53a-174, or section  
374 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (ii)  
375 section 53a-56b or 53a-57 by a child under sixteen years of age, or (B)  
376 running away, without just cause, from any secure placement other  
377 than home while referred as a delinquent child to the Court Support

378 Services Division or committed as a delinquent child to the  
379 Commissioner of Children and Families for a serious juvenile offense;

380 [(12)] (11) "Serious juvenile offender" means any child convicted as  
381 delinquent for the commission of a serious juvenile offense;

382 [(13)] (12) "Serious juvenile repeat offender" means any child  
383 charged with the commission of any felony if such child has  
384 previously been convicted as delinquent or otherwise convicted at any  
385 age for two violations of any provision of title 21a, 29, 53 or 53a that is  
386 designated as a felony;

387 [(14)] (13) "Alcohol-dependent" means a psychoactive substance  
388 dependence on alcohol as that condition is defined in the most recent  
389 edition of the American Psychiatric Association's "Diagnostic and  
390 Statistical Manual of Mental Disorders"; and

391 [(15)] (14) "Drug-dependent" means a psychoactive substance  
392 dependence on drugs as that condition is defined in the most recent  
393 edition of the American Psychiatric Association's "Diagnostic and  
394 Statistical Manual of Mental Disorders". No child shall be classified as  
395 drug-dependent who is dependent (A) upon a morphine-type  
396 substance as an incident to current medical treatment of a  
397 demonstrable physical disorder other than drug dependence, or (B)  
398 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or  
399 other stimulant and depressant substances as an incident to current  
400 medical treatment of a demonstrable physical or psychological  
401 disorder, or both, other than drug dependence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	17a-101g
Sec. 2	<i>July 1, 2011</i>	46b-120
Sec. 3	<i>July 1, 2012</i>	46b-120

**HS**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Children & Families, Dept.	GF - Potential Cost	3.5 million	3.5 million
Children & Families, Dept.	GF - Potential Savings	(3.5 million)	(3.5 million)
Children & Families, Dept.	NET IMPACT	0	0

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

It is anticipated that the bill will not result in a net fiscal impact to the Department of Children and Families (DCF) should the agency implement a differential response system. The cost of \$3.5 million annually to DCF would be offset by corresponding savings. This cost results from the statewide implementation of community-based service contracts (estimated at \$0.7 million per DCF region, of which there are five). It is anticipated that DCF will exercise the discretionary authority granted in the bill to establish a differential response system only when resources are available.

Should DCF implement this system, corresponding savings in direct service provision and/or state personnel would result, assuming that it successfully mitigates child abuse and neglect, diverting families from the child welfare system.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 1199*****AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' DIFFERENTIAL RESPONSE AND POVERTY EXEMPTION.*****SUMMARY:**

This bill allows the Department of Children and Families (DCF), when it receives reports of alleged child abuse or neglect, to refer to community providers for family assessments and services those cases that it classifies as presenting a lower risk rather than investigate them. It permits the DCF commissioner to establish such a differential response system for the type of referral the bill authorizes. Under the bill, when warranted, cases that are referred to family assessments can be referred for standard child protection services and vice versa.

The bill modifies the definition of “neglect” as it applies to the child welfare law in two ways. First, it narrows the definition so that it does not include certain acts against a child or youth resulting from impoverishment. Second, it eliminates children who have been abused.

The bill also removes the definition of “dependent” children in the law governing petitions for commitment to DCF, but it does not eliminate the term from the commitment statutes.

EFFECTIVE DATE: July 1, 2011 and July 1, 2012 for the second of the double definition sections (the date 2009 changes to the definitions section become effective).

**DIFFERENTIAL RESPONSE TO LOWER RISK CASES*****Referrals to Family Assessments***

By law, when DCF receives reports of child abuse or neglect and the alleged perpetrator is a person (1) responsible for the child’s health,

welfare, or care; (2) given access to the child by the person responsible for the child; or (3) entrusted with the child's care, DCF classifies the report and immediately evaluates it.

If the report contains sufficient information to warrant an investigation and indicates that there is imminent risk of physical harm to the child or some other emergency, DCF must begin the investigation within two hours. For all other reports, it has 72 hours to start investigating.

### ***Differential Response Program***

Under the bill, if DCF classifies a report as lower-risk, it can refer the case for family assessment and services and not investigate. But such reports can be referred any time after that for standard child protective services (presumably after an investigation) if concerns for the child's safety are evident. Reports referred for standard child protective services can likewise be referred for family assessment and services at any time DCF determines that there is a lower risk to the child.

The bill permits the commissioner to establish a differential response program in which DCF can make referrals to appropriate community providers for family assessment and services, either when DCF decides not to investigate a case that it classifies as presenting a lower risk or, if it decides to investigate, at any time during the investigation. These referrals can only occur when there has been an initial safety assessment of the family's circumstances and criminal background checks have been performed on all adults involved in the report.

The commissioner can adopt regulations to establish a method for DCF to (1) monitor the progress of the children and families referred to the community providers and (2) set standards for reopening investigations. (The bill appears to require the regulations to set standards for reopening any DCF investigation, not just those related to differential response cases.)

### ***Disclosure of Records***

The bill requires DCF, subject to the law governing the confidentiality of its records, to disclose all relevant information it possesses concerning the child and family, including previous “child protection activity,” to each provider that receives a report from DCF for use in assessing, diagnosing, and treating the family’s unique needs and the prevention of future reports.

Each provider receiving a report, consistent with the confidentiality law, must disclose to DCF all relevant information it gathers during this process. DCF may use the information only to monitor and ensure the child or children’s continued safety and well-being.

In general, records maintained by DCF are confidential and may not be disclosed unless the department receives written consent from the person named in the record to do so. But the law permits disclosure without consent in a number of situations, when it is in that person’s best interest.

#### **REVISING DEFINITION OF NEGLECT AND REMOVAL OF DEFINITION OF DEPENDENT**

Currently, children or youth can be considered to be “neglected” if they (1) have been abandoned; (2) are being denied proper care and attention; (3) are allowed to live under conditions, circumstances, or associations injurious to their well-being; or (4) have been abused. The bill eliminates abuse as a possible basis for finding a child or youth neglected (a separate definition of abuse remains), and permits the finding of any of the other three as a basis for neglect only when the reason for their occurrence is something other than impoverishment.

The bill removes the statutory definition of a “dependent” child or youth for juvenile court matters. These children and youth are defined in current law as those whose home is a suitable one for them but for the financial inability of their parent, guardian, or other person maintaining the home to provide for the child or youth’s specialized care needs.

Because the bill does not eliminate references to dependent children

and youth in the law governing petitions for commitment, it is unclear whether a petition for commitment to DCF could still be brought for children found to be dependent.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute

Yea 18      Nay 0      (03/22/2011)